IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John M. Adolphson, et al. : Date: July 10, 2003

Group Art Unit: Unassigned : IBM Corporation

Examiner: Unassigned : Intellectual Property Law

Serial No.: Unassigned : Dept. 917, Bldg. 006-1

Filed: Herewith : 3605 Highway 52 North

Title: METHOD AND APPARATUS FOR : Rochester, MN 55901

GENERATING COMPUTER

PROGRAMMING CODE SELECTIVELY

OPTIMIZED FOR EXECUTION PERFORMANCE AND NOT

OPTIMIZED FOR SERVICEABILITY

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached Form PTO/SB/08A be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. §1.97. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standard of materiality defined in 37 C.F.R. §1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. §1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with

Serial No. (Unassigned)

Docket No. ROC920030028US1

37 C.F.R. §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(1) within three months of the filing date of the present application. Accordingly no filing fee is required.

Respectfully submitted,

JOHN M. ADOLPHSON, et al.

By

Steven W. Roth, Consulting Attorney

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Serial No. (Unassigned)
Docket No. ROC920030028US1

PTO/SB/08A	Application Number.:	Unassigned
	Filing Date:	Herewith
INFORMATION DISCLOSURE	First Named Inventor:	John M. Adolphson
STATEMENT BY APPLICANT	Art Unit:	Unassigned
	Examiner Name:	Unassigned
Sheet 1 of 2	Attorney Docket Number .:	ROC920030028US1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.1	Document Number Number - Kind Code² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns or Lines Where Relevant Passages or Figs. Appear
		US - 5,950,009	09-07-1999	Bortnikov et al.	
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FOREIGN PATENT DOCUMENTS

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Examiner Initials	Cite No.1	Foreign Patent Document Country ³ - Number ⁴ - Kind Code ⁵ Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns or Lines Where Relevant Passages or Figs. Appear	T ⁶
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Examiner Signature	Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language translation is attached.

Application Number.:	Unassigned
Filing Date:	<u>Herewith</u>
First Named Inventor:	John M. Adolphson
Art Unit:	Unassigned
Examiner Name:	Unassigned
Attorney Docket Number .:	ROC920030028US1
	Filing Date: First Named Inventor: Art Unit: Examiner Name:

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and or country where published.	T ²
		U.S. Patent Application 09/948,749 to Schmidt, filed September 7, 2001	
		U.S. Patent Application 09/992,324 to Roediger et al, filed November 19, 2001	
		U.S. Patent Application 10/282,811 to Roediger et al, filed October 29, 2002	
		U.S. Patent Application 10/406,552 to Schmidt, file April 3, 2003	
	·	W. J. SCHMIDT et al., "Profile-Directed Restructuring of Operating System Code", IBM Systems Journal, Vol. 37, No. 2, pp. 270-297 (1998)	

Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional).

² Applicant is to place a check mark here if English language translation is attached.